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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 DEBRA PITTMAN, ROSALYNE R.)
8 SMITH, MARKOS MENDOZA,)
9 RINEO VLIJTER, and)
EDITH MARSHALL,)

2:09-CV-00878-PMP-GWF

10 Plaintiffs,)

11 vs.)

ORDER

12 WESTGATE PLANET HOLLYWOOD)
13 LAS VEGAS, LLC, WESTGATE)
14 RESORTS, INC., WESTGATE)
15 RESORTS, LTD., CFI SALES &)
MARKETING, LTD., CFI SALES &)
16 MARKETING, LLC, CFI SALES &)
MARKETING, INC., DAVID A.)
SIEGEL, RICHARD SIEGEL,)

17 Defendant.)

18 Before the Court for consideration are Plaintiffs' fully briefed Motions to
19 Sever and Remand Plaintiffs' Claims Under Nevada Law to the Eighth Judicial
20 Court of Nevada (Doc.'s #199, #200), filed March 28, 2011.

21 Although Defendants are correct in their Response (Doc. #208) filed May
22 3, 2011 that this Court did not expressly decline supplemental jurisdiction over
23 Plaintiffs' state claims when the Court entered its Order (Doc. #184) on November 2,
24 2010 denying Plaintiffs' Motion for Partial Class Certification, the Court finds it is
25 now appropriate to do so based upon the arguments set forth in Plaintiffs' instant
26 motion to sever and remand.

1 **IT IS THEREFORE ORDERED** that Plaintiffs' Motions to Sever and
2 Remand Plaintiffs' Claims Under Nevada Law to the Eighth Judicial Court of
3 Nevada (Doc.'s #199, #200) are **GRANTED** and that Plaintiffs' Second Claim for
4 Relief Under Nevada's Labor Law, Third Claim for Relief under NRS 608.040, and
5 Fourth Claim for Relief for Breach of Contract set forth in Plaintiffs' First Amended
6 Complaint (Doc. #75) are hereby severed from Plaintiffs' First Claim for Relief
7 Under the Fair Labor Standards Act, and said severed claims are hereby remanded to
8 the Eighth Judicial District Court, in and for the County of Clark, State of Nevada.

9 **IT IS FURTHER ORDERED** that this action shall henceforth proceed in
10 this Court on Plaintiffs' First Claim for Relief Under the Fair Labor Standards Act
11 (Doc. #75).

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13 DATED: June 14, 2011.

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16 PHILIP M. PRO
United States District Judge